

THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON FRIDAY, MARCH 19, 2012 AT 9:30 A.M.

MEMBERS PRESENT WERE NORMAN VOYLES, BRIAN GOSS, AND DON ADAMS. BRENDA ADAMS, COUNTY AUDITOR, DEB VERLEY, ADMINISTRATIVE ASSISTANT, AND PETE FOLEY, COUNTY ATTORNEY, WERE ALSO PRESENT.

NORMAN VOYLES ASKED FOR A MOMENT OF SILENT PRAYER.

NORMAN VOYLES CALLED THE MEETING TO ORDER.

REZONE REQUEST – *Ag to I-2 & B-3 to I-2*

Rod Bray, attorney for Bright Family Farms, was present to request that two parcels of property off of State Road 67 at Lingle Road be rezoned. Mr. Bray stated that one parcel contains 1.983 acres and is currently zoned Ag and one contains 2 acres and is zoned B-3. His client would like to have a 30,000 gallon propane tank on the property for wholesale sales and deliveries through Thrifty Propane. The Planning Commission met March 12th, but did not make any recommendation or decision on the matter. Mr. Bray stated that this is one of the highest and best uses for the property. It is a small triangular strip that is not suitable for agricultural purposes. Mr. Bray stated that the current owner is Steve and Susan Settles and the Brights are purchasing the property on contract and the contract is not complete. There is a letter of approval from the Settles on file in the Planning Commission Office. (The records in the Morgan County Auditor's Office list the property owner as Porter Cave Retreat LLC.) Norman Voyles asked if the location of the tank was a concern for INDOT. Mr. Bray stated that they had all the required permits from the state. Don Adams asked if the tank was already on the property. Mr. Bray stated that it was; Mr. Bright worked with Thrifty and they indicated that everything was okay for placement of the tank. Mr. Bray stated that the Brights were willing to accept any restrictions that the Board might want to put on the property, with the exception of the sale of agricultural products and equipment. Pete Foley stated that the restrictions would run with the land, not the owner. Norman Voyles asked if the drainage plan had been filed. Mr. Bray stated that the plan was submitted, but has not been completed. Mr. Voyles stated that the delivery truck would have to be certified by Weights and Measures.

Mr. Voyles asked if there were any comments by the public. Bill Rumbaugh, a member of both the Planning Commission and Board of Zoning and Appeals, stated that none of the rules were followed and allowing someone who doesn't follow the rules to put a dangerous propane tank into service concerned the board. Steve Bright stated that they got some bad advice and have done the best job that they can do. This is an economic plus for Morgan County and they have turned a 50-year old eyesore into a respectable piece of property.

Don Adams stated that he had two concerns; he wanted to make sure the drainage was done and that the tank is so close to the highway. Kenny Hale, Planning Commission Director, stated that if the drainage is not done according to the plan, the surveyor will issue a stop work order. The state fire marshal has already issued a permit for the tank. Brian Goss made a motion to approve the rezone with the stipulation that the property will only be used for propane sales and the sale of agriculture equipment and products. Mr. Goss added that he the Brights should have gotten the permits beforehand instead of after the fact. He also did not like that the Planning Commission sent the request to the Commissioners without a recommendation. Motion seconded by Don Adams. Norman Voyles stated that he agreed with Mr. Goss and they should have checked with the county first. Motion carried 3-0. Norman Voyles asked if there were still fees to pay. Kenny Hale stated that they still have to obtain the building permit and the recording fees can be added into the cost of the permit.

REZONE REQUEST – *Ag to I-2 & Ag to B-3*

Kenny Hale stated that the county joined with the City of Martinsville and Town of Mooresville in obtaining a grant for the I-69 planning study. Part of the grant was an overlay district for State Road 37/I-69 corridor as well as the State Road 144 corridor. They identified critical sub-areas that are prime for economic development. There are three agricultural properties along S R 37 at the Egbert Road intersection that should be rezoned as B-3 (2 acres, 11.933 acres, and 28.61 acres), and one property that has been a millworks operation for the last 25 years should be rezoned as I-2 (5.68 acres). There are more properties to be rezoned that they hope to have completed by August. Don Adams made a motion to approve the rezones as requested. Seconded by Brian Goss. Pete Foley stated that he wanted to make it clear that these requests were with the owner's consent. Motion carried 3-0.

SEPTIC ORDINANCE – *1st Reading*

Bobby Knieriem, Morgan County Health Department, stated that on January 1, 2011, the state

health department implemented a new on-site sewage system rule. The county health department decided that this would be a good time to update their ordinance since it references that rule. The ordinance has been reviewed by the Indiana State Department of Health and by the county attorney. Mr. Knieniem stated that the ordinance addresses licensing and certification of installers and permits that are required. The overall installation requirements stay the same. Brian Goss made a motion to approve the Morgan County Onsite Sewage System Ordinance on first reading. Seconded by Don Adams. Motion carried 3-0.

POLLING LOCATION CHANGES

Peggy Mayfield, Morgan County Clerk, stated that the election board would like to consider changing two polling locations. They would like to move Madison 3 and 4 from the fire station on Landersdale Road, and Madison 5 from the Heartland clubhouse, to Lifeline Baptist Church on Slideoff Road. The precinct committeeman and the church have both approached the election board about changing the current location. The election board has done a site visit and the location meets all of the ADA requirements. The church does not want to incur any liability. Ms. Mayfield stated that the documentation should list each privately owned location as an additional insured on the county insurance policy.

The second location is in Green Township. The Green Township precinct committeeman asked if the location could be moved from the school. Ms. Mayfield stated that it disrupts the children's day and they cannot deny anyone the right to vote, even those that cannot be around children by law. The election board recommended River Valley Christian Church on Egbert Road. They have not done a site visit yet. Brian Goss made a motion to approve changing the polling location for Madison 3, 4, and 5 to Lifeline Baptist Church on Slideoff Road pending verification of insurance coverage. Seconded by Don Adams. Motion carried 3-0.

LAKE EDGEWOOD ROAD REPAIRS – *South Shore Drive*

Pete Foley stated that he prepared a letter to send to the conservancy district, but has not received a response. They are also working with the insurance company.

RESOLUTION FOR USE OF COUNTY BUILDINGS

Norman Voyles stated that the resolution requires that any request to use a county building for political campaign purposes be submitted to the Morgan County Board of Commissioners in writing not less than 30 days prior to the date of the planned use. The entity making the request must submit a certificate of insurance. They might also incur additional expense for the use of the building, including pay for the custodial staff. Soliciting or receiving political campaign contributions is prohibited. The Board reserves the ability to refuse any request that conflicts with the county's business or use of its property. Don Adams made a motion to approve the resolution. Seconded by Brian Goss. Motion carried 3-0.

PUBLIC RIGHT OF WAY USE

Pete Foley stated that at the last meeting, a question arose over whether or not the county is obligated to maintain every dedicated public way or public right of way and he had composed a letter to address the question. Brian Goss made a motion to have Mr. Foley send the letter to the party who inquired about the issue. Seconded by Don Adams. Motion carried 3-0.

ORDINANCE DISCUSSION – *"Spice"*

Norman Voyles asked if the Board should revise or repeal the "Spice" Ordinance since the state has recently passed a new law regarding the substance. Mr. Foley stated that he has not reviewed the new law yet but typically, unless there is language within the law itself to allow the county to regulate it, the state statute would void the county ordinance. Norman Voyles stated that the new state statute provides a method for regulating any new "recipes."

MINUTES

Don Adams made a motion to approve the minutes of the March 2, 2012 meeting. Seconded by Brian Goss. Motion carried 3-0.

ENGINEER UPDATE

Larry Smith, Morgan County Highway Engineer, stated that they were negotiating with RW Armstrong for the preliminary engineering services for Bridge #44 on Peavine Road. The proposed contract is for \$168,020. Brian Goss made a motion to approve the contract. Seconded by Don Adams. Motion carried 3-0.

HIGHWAY UPDATE

Brian Goss stated that Jimmy Waggoner, Acting Highway Superintendent, is on vacation this week. Crews have been patching, ditching, and cutting brush. They will begin to cut shoulders on some roads next week. The asphalt plants haven't opened yet so they are not able to begin the hot

patching yet.

SHERIFF / JAIL UPDATE

Sheriff Robert Downey reported that there are currently 265 inmates at the jail; 222 males and 43 females. Seven inmates are on work release, 4 males and 3 females, and 23 inmates are on the jail corrections crew, 18 males and 5 females. There are 17 DOC inmates, 16 males and 1 female. There have been 1,873 calls for service. These are only the calls that have law enforcement case numbers assigned; it doesn't include fire calls or informational calls.

ADJOURNMENT

Brian Goss made a motion to adjourn the meeting. Seconded by Don Adams. Motion carried 3-0.

Morgan County Board of Commissioners

Norman Voyles

Brian Goss

Don Adams

Attest:

Brenda Adams, Morgan Co. Auditor